

# UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America )

v. )

TERRY TYRON POWELL )

Case No: 7:99-CR-24-1FUSM No: 18269-056Date of Previous Judgment: April 15, 2002

(Use Date of Last Amended Judgment if Applicable)

Defendant's Attorney Thomas P. McNamara

## Order Regarding Motion for Sentence Reduction Pursuant to 18 U.S.C. § 3582(c)(2)

Upon motion of the defendant under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and the court having considered such motion,

**IT IS ORDERED** that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 204 months **is reduced to** 166 months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

### I. COURT DETERMINATION OF GUIDELINE RANGE (Prior to Any Departures)

Previous Offense Level: 42Amended Offense Level: 40Criminal History Category: ICriminal History Category: IPrevious Guideline Range: 360 to 360 monthsAmended Guideline Range: 292 to 360 months

### II. SENTENCE RELATIVE TO AMENDED GUIDELINE RANGE

- ☐ The reduced sentence is within the amended guideline range.
- ☒ The previous term of imprisonment imposed was less than the guideline range applicable to the defendant at the time of sentencing as a result of a departure or Rule 35 reduction, and the reduced sentence is comparably less than the amended guideline range.
- ☐ Other (explain) :


### III. ADDITIONAL COMMENTS

Except as provided above, all provisions of the judgment dated April 15, 2002, shall remain in effect.

**IT IS SO ORDERED.**

Order Date: 12/30/08

Effective Date: \_\_\_\_\_  
(if different from order date)

  
\_\_\_\_\_  
Judge's signature  
James C. Fox, Senior U.S. District Judge  
\_\_\_\_\_  
Printed name and title